

Regular Session, 2009

SENATE BILL NO. 31

BY SENATOR ADLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides with respect to the penalty for the unnecessary unjustified causing of physical pain, suffering or death of an animal. (8/15/09)

AN ACT

To amend and reenact R.S. 14:102.1, relative to offenses affecting public sensibility; to provide for the reclassification of certain acts as aggravated cruelty to an animal; to provide for penalties for unjustified causing of physical pain, suffering or death of an animal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:102.1 is hereby amended and reenacted to read as follows:

§102.1. Cruelty to animals; simple and aggravated

A.(1) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:

(a) Overdrives, overloads, drives when overloaded, or overworks a living animal.

(b) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.

(c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.

1 (d) Abandons any animal. A person shall not be considered to have
2 abandoned an animal if he delivers to an animal control center an animal which he
3 found running at large.

4 (e) Impounds or confines or causes to be impounded or confined in a pound
5 or other place, a living animal and fails to supply it during such confinement with
6 proper food, proper drink, and proper shelter.

7 (f) Carries, or causes to be carried, a living animal in or upon a vehicle or
8 otherwise, in a cruel or inhumane manner.

9 (g) Unjustifiably administers any poisonous or noxious drug or substance to
10 any domestic animal or unjustifiably exposes any such drug or substance, with intent
11 that the same shall be taken or swallowed by any domestic animal.

12 (h) Injures any animal belonging to another person without legal privilege or
13 consent of the owner.

14 ~~(i) Mistreats any living animal by any act or omission whereby unnecessary~~
15 ~~or unjustifiable physical pain, suffering, or death is caused to or permitted upon the~~
16 ~~animal.~~

17 ~~(j)~~ **(i)** Causes or procures to be done by any person any act enumerated in this
18 Subsection.

19 (2)(a) Whoever commits the crime of simple cruelty to animals shall be fined
20 not more than one thousand dollars, or imprisoned for not more than six months, or
21 both.

22 (b) In addition to any other penalty imposed, a person who commits the crime
23 of cruelty to animals shall be ordered to perform five eight-hour days of
24 court-approved community service. The community service requirement shall not
25 be suspended.

26 B.(1) Any person who intentionally or with criminal negligence tortures,
27 maims, or mutilates any living animal, whether belonging to himself or another, shall
28 be guilty of aggravated cruelty to animals.

29 (2) Any person who tampers with livestock at a public livestock exhibition

1 or at a private sale shall also be guilty of aggravated cruelty to animals.

2 (3) Any person who causes or procures to be done by any person any act
3 designated in this Subsection shall also be guilty of aggravated cruelty to animals.

4 **(4) Any person who mistreats any living animal by any act or omission**
5 **which causes or permits unnecessary or unjustifiable physical pain, suffering,**
6 **or death to the animal shall also be guilty of aggravated cruelty to animals.**

7 ~~(4)~~**(5)** Whoever commits the crime of aggravated cruelty to animals shall be
8 fined not less than five thousand dollars nor more than twenty-five thousand dollars
9 or imprisoned, with or without hard labor, for not less than one year nor more than
10 ten years, or both.

11 ~~(5)~~**(6)** For purposes of this Subsection, where more than one animal is
12 tortured, maimed, mutilated, or maliciously killed or where more than one head of
13 livestock is tampered with, each act comprises a separate offense.

14 C. This Section shall not apply to any of the following:

15 (1) The lawful hunting or trapping of wildlife as provided by law.

16 (2) Herding of domestic animals.

17 (3) Accepted veterinary practices.

18 (4) Activities carried on for scientific or medical research governed by
19 accepted standards.

20 (5) Traditional rural Mardi Gras parades, processions, or runs involving
21 chickens.

22 (6) Nothing in this Section shall prohibit the standard transportation and
23 agricultural processing of agriculture products as defined in R.S. 3:3602(5) and (6).

24 * * *

The original instrument was prepared by Dennis C. Weber. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

Adley (SB 31)

Present law provides for two classifications of cruelty to animals, simple and aggravated.

Present law lists as a simple offense "mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal."

Proposed law reclassifies "the mistreatment of any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering," or death is caused to or permitted upon the animal shall also be guilty of aggravated cruelty to animals.

Effective August 15, 2009.

(Amends R.S. 14:102.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Amendments were technical.

Senate Floor Amendments to engrossed bill.

1. Amendments were technical.